

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,
v.

Case No. 06-CR-286

CALVIN ANDREWS,

Defendant.

ORDER

On May 24, 2007, this court sentenced Calvin Andrews to 120 months' imprisonment for violations of 21 U.S.C. §§ 841(b)(1)(A) and 846. Andrews' total offense level was 29 and he had a criminal history score of II; under this matrix, his advisory guideline range of imprisonment was 97-121 months. However, Andrews was subjected to a statutory minimum mandatory term of 120 months; accordingly, this was the sentence the court imposed.

On November 1, 2007, the United States Sentencing Commission amended the advisory federal sentencing guidelines for criminal offense involving crack cocaine. On December 11, 2007, the Sentencing Commission further decided that, effective March 3, 2008, these amended guidelines would apply retroactively to all offenders who were sentenced under the previous versions of the sentencing guidelines and who are presently incarcerated. The practical effect of these amendments is that pursuant to the provisions of 18 U.S.C. § 3582(c)(2), defendants previously convicted of offenses involving crack cocaine may be eligible for a reduction in their sentence.

On July 3, 2008, Andrews filed a pro se motion to reduce his sentence pursuant to § 3582(c)(2). Having considered Andrews' motion, together with an analysis from the United States Probation Office and input from the United States Attorney's Office, the court concludes that his motion must be denied. Under the amended guidelines, Andrews' offense level and sentencing guideline range remain the same and he continues to be subjected to the 120-month statutory mandatory minimum sentence. The court finds no factual or legal basis to reduce the sentence of 120 months imposed on May 24, 2007.

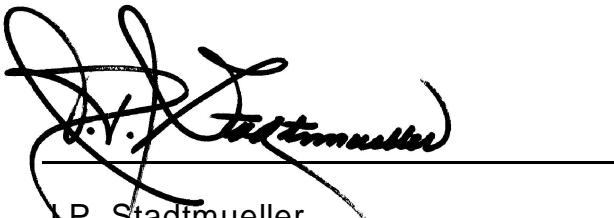
Accordingly,

IT IS ORDERED that Andrews' motion for a reduction in sentence (Docket #44) be and the same is hereby **DENIED**;

IT IS FURTHER ORDERED that Andrews' motions to remove counsel of record (Docket #42) and appoint new counsel (Docket #43) be and the same are hereby **DENIED**.

Dated at Milwaukee, Wisconsin, this 12th day of August, 2008.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge